IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26017 of 2005

Between:

Dr.Soma Sudershan Reddy and 3 others

..... PETITIONERS

AND

Government of Andhra Pradesh,

rep.by its Prl.Secretary Home Department,

Secretariat, Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in acquiring the land of the petitioners in Sy.Nos.362, 372 and 374 of Mancherival village, Rajendranagar Mandal, Ranga Reddy District contained in G.O.Rt.No.255, dated 23.02.2004, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

The petitioners submit that they are the owners of certain extents of land in Sy.Nos.362, 373 and 374 of Mancherival village, Rajendranagar Mandal of Ranga Reddy District, having purchased the same under certain registered sale deeds. It is stated that certain fruit bearing trees such as coconut, Mango, Sapota and Guava etc. are grown in the said lands. While so, the Government issued a draft Notification under Section 4 of the Land Acquisition Act 1 of 1894 (for short 'the Act') in G.O.Rt.No.255, dated 23.02.2004, which was published in Official Gazette R.R.No.13, Hyderabad, dated 08.02.2004, invoking the urgency clause under

Section 17(4) of the Act, dispensing with the enquiry under Section 5-A of the Act, seeking to acquire lands of the petitioners, and also a draft declaration under Section 6 of the Act was issued in Form 5-A, vide Government Memo No.3888/PSC/A1/2003, dated 03.03.2004, which was also published in Official Gazette R.R.No.14, Hyderabad, dated 09.03.2004. Thereafter notices were also issued under Section 9(1) 10 of the Act on 25.03.2004, and also
Form-10 was issued on 11.10.2004. It is stated that the said proceedings have been initiated for compulsory acquisition of lands of the petitioners for the official use of Inspector General of Police, Grey Hounds, Hyderabad.

It is stated that the same Notification issued in G.O.Rt.No.255, dated 23.02.2004 was questioned in W.P.No.20462/2004 and this Court, after considering the counter allegations and relevant objections raised by the respondents therein, disposed of the same, by order dated 06.09.2005, quashing the action of the respondents in dispensing with the enquiry under Section 5-A of the Act alone, directing to hold an enquiry under Section 5-A of the Act without interfering with the aforesaid Notification in all other aspects.

Having regard to the facts and circumstances of the case, following the Judgment of this Court in W.P.No.20462/2004, dated 06.09.2005, the Notification impugned, dispensing with the enquiry under Section 5-A of the Act only is quashed, and the 2nd respondent is directed to hold an Enquiry under Section 5-A of the Act, after giving an opportunity to the petitioners to show cause why their lands should not be acquired, and complete the enquiry within a period of one month from the date of receipt of a copy of this Order, and take further steps as per the provisions of the Act.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 07.12.2005

Dsr

Note:

Issue CC by 12.12.2005

B/o

Dsr